

Chappell

IN The State OF Alabama  
Court OF Criminal Appeals

CR-02-0947

Kenny price,  
petitioner

vs.

State OF Alabama  
Respondent

ON Appeal From the  
Circuit Court of pike County, Alabama  
CC-02-0134-AND-0136

Application For Rehearing

Kenny price, pro-se  
150784 - B-7  
100 warrior lane  
Bessemer, Ala 35023

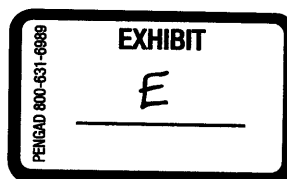


TABLE OF Authorities

*Strickland v. Washington*, 466 U.S. 668, 80 L. Ed. 2d 674, 104 S. Ct. 2052 (1984).

*Hill v. Lockhart*, 474 U.S. 52, 57, 88 L. Ed. 2d 303, 309, 106 S. Ct. 366, 369-70 (1985)

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Application For Rehearing And Argument

Comes Now Appellant, KENNY Price, and Submits his application for rehearing with, brief, argument, and authorities included, and in support thereof.

Appellant, would respectfully move this Honorable Court to rehear and reconsider its memorandum opinion of November 21, 2003. price would state that it is absolutely Necessary for this Honorable Court to rehear this Cause and issue an opinion in conformity with existing Case Law and authority.

this Honorable Court, in its opinion of November 21st. 2003, is agreeable that its appropriate for the trial Court to Change the Appellant's Name From, KENNETH, to KENNY, as in Bill, to Billy, or Jim to, Jimmie, or Fred to Freddie this Honorable Court must Concede this is absolutely Contrary, reconsider its opinion.

the Appellant has Never received a Brief in rebuttal from the Attorney General's Office. therefore the Appellant was Never given a chance to file a Reply Brief, this is absolutely preposterous. therefore this Honorable Court Concede, and issue a New opinion. this Honorable Court is allowing the trial Court to Change Appellant's true God given Name to "KENNY".

This Honorable Court has affirmed the trial Court Judgment. Saying, the trial Counsel was Not ineffective in allowing a Correctional Officer to be a juror, and that this was Not prejudicial to Appellant's defense. This is absolutely inscrutable and ridiculous.

This Honorable Court has ruled the indictment is Not defective on its face. Said indictment don't even have Appellant's true God given Name on it. Appellant insist the indictment is void, and this Honorable Court Should withdraw it's opinion of November 21, 2003

This Honorable Court, in light of such serious Crime and Severe Sentence meted out against Appellant, must Not and Can Not be flippant in affirming this Conviction. Appellant insist that he is Currently Serving a Sentence for which he has and does maintain his innocence. therefore, this Honorable Court must Concede, grant this Application For Rehearing then issue a New opinion. How Can this Honorable Court distinguish the Case at Bar from Strickland v. Washington, 466 U.S. 668. or any other Court distinguish same from Hill v. Lockhart 474 U.S. 52, 88 L. Ed. 2d 203, (1985)

This Honorable Court Should remand the Case at Bar back to the trial Court for an Evidentiary Hearing on the issue of ineffective trial Counsel to determine this dispute.

This Honorable Court has over look the fact that the States informant Comitted perjury about when she was arrested. Within the last year, Miss Angela Broch, has been arrested several times for drugs.

This Honorable Court over look the fact that the State has Not filed a brief in support to refute the issues before this Court. Therefore the issues should be taken as true.

### CONCLUSION

Appellant insist that this Court's opinion of, November 21, 2003 is in Conflict with prior authorities and existing statutes. Appellant further insist that said opinion is in Conflict with sound and just reasoning, as well as the spirit of the law.

Appellant respectfully prays that this Honorable Court will grant this Application For Rehearing, and will withdraw its opinion of, NOV. 21, 2003. Grant Appellant the relief to which he is entitled by law and in the interest and preservation of justice, issue a New opinion.

Respectfully,  
 Jimmy Price,  
 Appellant

Certificate of Service

I hereby Certify that I have Served a true Copy  
OF the foregoing Application For Rehearing ON the  
Attorney General by placing same in the U.S. mail,  
postage pre-paid and properly addressed this the 1  
day of November 2003

Kenny Price

Kenny price  
150784, B-7  
100 warrior Lane  
Bessemer, AL.

35023